

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1491 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KISHORKUMAR KANTILAL KHANDHEDIYA

Versus

MADHAVIBEN HAREKRISHNA PANDYA

Appearance:

MR JT TRIVEDI for Petitioner

MR BP GUPTA for Respondent No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 15/09/97

ORAL ORDER

As a result of allowing Civil Application No.4676 of 1997 by consent this Appeal is taken up for its disposal without effective hearing and by consent of the learned Advocates appearing on behalf of the parties, as under :

1. The permission granted by the learned Tribunal to

the respondent to file M.A.C.Petition No.236 of 1990 as an indigent person shall stand confirmed and by consent of the parties she will have the permission to proceed with the said M.A.C.Petition as an indigent person;

2. The impugned Judgment and award passed by the learned Motor Accident Claims Tribunal, Bhavnagar in M.A.C.Petition No.236 of 1990 on 19.10.1996 shall stand set aside and the M.A.C.Petition No.236/90 is hereby revived.
3. The appellant as also the respondent waive any further notice from the learned Tribunal and the appellant shall file his written statement along with appearance on or before 17.10.1997;
4. The amount of Rs.22,500/- stated to have been deposited by the appellant in the proceeding before this Court shall be verified by the Nazir Department of this Court and shall be transmitted to the learned Tribunal immediately;
5. After the appellant files the written statement as aforesaid, M.A.C.Petition No.236/90, which has been revived, shall proceed further in accordance with law. It is made clear that the hearing of the said petition and the recording of the evidence, if any and if necessary, shall be afresh.
6. The aforesaid revived petition shall be heard and decided in accordance with law as expeditiously as possible by the learned Tribunal;

This Appeal will stand accordingly allowed with no order as to cost.

Office to send the writ to the learned Tribunal as also shall return R. & P., if received from the Tribunal immediately.

Since the Appeal has been allowed by the consent of the parties without effective hearing and at the admission stage, the refund of Court fees as permissible by law shall be accorded.

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